

CV 04-0692 L-0

STEPHANIE SPEYRER and STEVE SPEYRER, individually and on behalf of his minor daughter, ALEXIS SPEYRER

VERSUS

CINGULAR WIRELESS, L. L. C.

27th JUDICIAL DISTRICT COURT

PARISH OF ST. LANDRY

STATE OF LOUISIANA

DOCKET NUMBER 04-C-0645-A

ROBERT H. SHERWELL, CLERK
BY JAC DEPUTY

MAGISTRATE JUDGE METHVIN

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, come petitioners, **STEPHANIE SPEYRER** and **STEVE SPEYRER**, individually and on behalf of his minor daughter, **ALEXIS SPEYRER**, who with respect represent:

1.

Made defendant herein is:

(A) **CINGULAR WIRELESS, L. L. C.**, a foreign limited liability company authorized to do and doing business within the State of Louisiana.

2.

On or about February 28, 2003, petitioner, **STEPHANIE SPEYRER**, was a patron at defendant's place of business located at 5567 Hwy. 49 Service Road in Opelousas, Louisiana.

3.

Petitioner entered the premises, took a number, and after several minutes sat in a chair while waiting her turn to be served when suddenly and without warning the chair collapsed causing her to fall and injure her right shoulder and other parts of her body.

4.

The accident was caused solely due the negligence of defendant, **CINGULAR WIRELESS, L. L. C.**, in the following unexclusive particulars:

- a. Failing to properly maintain the chair;
- b. Failing to warn petitioner of the defective chair;
- c. Any other acts of negligent to be determined at or before the trial of this matter.

5.

Defendant is also responsible for the damages sustained by petitioners under the doctrine of *res ipsa loquitur*.

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6.

As a result of the fall, petitioner, **STEPHANIE SPEYRER**, injured her right shoulder and other parts of her body.

7.

Petitioner, **STEPHANIE SPEYRER**, has suffered damages which have and will include into the future both general and special, including, but not limited to, physical and mental pain and suffering, mental anguish, physical impairment, physical disability, loss of enjoyment of life, medical expenses, lost wages and/or loss of earning capacity, etc., all of which entitles her to receive damages in an amount to be determined by a trial on the merits that are reasonable in the premises plus interest and all costs of these proceedings.

8.

As a direct result of the aforementioned accident and personal injuries to his wife, petitioner, **STEVE SPEYRER**, has incurred medical expenses on her behalf and has sustained a loss of consortium, service and society in an amount reasonable in the premises to be determined at the trial of this matter.

9.

STEVE SPEYRER, on behalf of his minor daughter, **ALEXIS SPEYRER**, would further allege that his minor daughter, has also sustained a loss of consortium, service and society due to the injuries received by her mother, in the accident in an amount reasonable in the premises to be determined at the trial of this matter.

10.

The claim of petitioner, **STEPHANIE SPEYRER**, exceeds the jurisdictional amount required by trial by jury.

11.

Petitioner, **STEPHANIE SPEYRER**, requests a trial by jury on all issues of this cause.

WHEREFORE, petitioners, **STEPHANIE SPEYRER** and **STEVE SPEYRER**, individually and on behalf of his minor daughter, **ALEXIS SPEYRER**, pray that defendant, **CINGULAR WIRELESS, L. L. C.**, be duly cited and served with a copy of this petition, made

to answer same and that after legal delays and due proceedings had, there be judgment in favor of petitioners and against defendant, CINGULAR WIRELESS, L. L. C., from date of judicial demand until paid in an amount to be determined by a trial on the merits that is reasonable in the premises plus interest and all costs of these proceedings;

Further, for all general and equitable relief.

Respectfully submitted,

DOMENGEAUX WRIGHT ROY & EDWARDS

BY: 

Thomas R. Edwards
Bar Roll No. 5296
556 Jefferson St., Suite 500
Post Office Box 3668
Lafayette, Louisiana 70502
(337) 233-3033

ATTORNEYS FOR PLAINTIFF

PLEASE SERVE:

CINGULAR WIRELESS, L. L. C.
Through its agent for service:
Corporation Service Company
320 Someruelos Street
Baton Rouge, LA 70802-6129

St. Landry Parish Clerk of Court's Office

Filed Feb-17 2004
Pearl Stelly
Clerk

Pearl Stelly

STEPHANIE SPEYRER and STEVE
SPEYRER, individually and on behalf of
his minor daughter, ALEXIS SPEYRER

VERSUS

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DOCKET NUMBER _____

PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS

TO: **CINGULAR WIRELESS, L. L. C.**
through its agent for service of Process:
Corporation Service Company
320 Somerulos Street
Baton Rouge, LA 70802-6129


Petitioner hereby requests, pursuant to the Louisiana Rules of Civil Procedure, Articles 1561, that defendant produce the following documents and record:

Certified copies of any and all policies of liability insurance and excess liability insurance, including the declarations pages thereto which were in full force and effect on the date of the accident herein sued upon and which provided coverage or purport to provide coverage to CINGULAR WIRELESS, L. L. C., for the claims presented by petitioner in this matter.

Petitioner requests that defendant produce the above mentioned documents and records at the office of petitioner's attorney, Thomas R. Edwards, P. O. Box 3668, Lafayette, Louisiana 70502, for inspection and copying at or before the close of business on or before the 31st day after this Request for Production is served on defendant.

Respectfully submitted,

DOMENGEAUX, WRIGHT & ROY

BY: 
THOMAS R. EDWARDS - 5296
Attorney for Petitioners
POST OFFICE BOX 3668
LAFAYETTE, LOUISIANA 70502
TELEPHONE: (337) 233-3033

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Filed Feb. 17 04


DR. CLARK

